

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
SOUTHERN DIVISION**

THEODORE MILLER,)
)
Petitioner,)
)
vs.) No. 04-3459-CV-S-RED-H
)
UNITED STATES OF AMERICA,)
)
Respondent.)

**REPORT AND RECOMMENDATION OF
THE UNITED STATES MAGISTRATE JUDGE**

Petitioner has filed a Petition for Writ of Habeas Corpus, in which he lists 24 grounds for relief. The vast majority of his allegations concern his underlying criminal charge and commitment proceedings from the District of Maine. Those matters are not properly before this Court. His allegations with regard to reports from Dr. James Wolfson, psychiatrist at the United States Medical Center for Federal Prisoners, are without merit. This petitioner has been committed for care and treatment under the provisions of 18 U.S.C. § 4246, *United States v. Miller*, Case No. 05-03002-CV-S-RED. The opinions of the treating psychiatrist were deemed credible. The unsupported allegations that Dr. Wolfson has instructed officers to make inflammatory statements to the defendant are consistent with the diagnosis of defendant's mental illness.

Petitioner's allegation that he has been denied medical treatment at the United States Medical Center for Federal Prisoners, is also without merit. In response to the Order to Show Cause entered in this case, reports of laboratory analysis, as well as progress reports from Dr. Mahmood Choudhury, were submitted. While petitioner may not agree with the diagnosis and treatment offered, there is nothing to indicate a deliberate indifference to his serious medical needs.

For the foregoing reasons, it is, pursuant to the governing law and in accordance with Local Rule 72.1 of the United States District Court for the Western District of Missouri,
RECOMMENDED that petitioner be denied leave to proceed in forma pauperis, and that the petition herein for writ of habeas corpus be dismissed without prejudice.¹

/s/ James C. England
**JAMES C. ENGLAND, CHIEF
UNITED STATES MAGISTRATE JUDGE**

Date: March 8, 2006

¹ Petitioner is represented by counsel in this matter and has submitted numerous pro se pleadings and motions, including two motions for order; a motion for hearing, and a motion for change of venue, which are denied.